

**ASSEMBLY BILL**

**No. 2681**

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**Introduced by Committee on Agriculture**

March 8, 2012

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An act to repeal and add Chapter 2 (commencing with Section 10901) to Part 3 of Division 5 of, and to repeal and add Division 8 (commencing with Section 16001) of, the Food and Agricultural Code, relating to food waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2681, as introduced, Committee on Agriculture. Food waste.

Existing law makes it unlawful for a person to feed swine any garbage, as defined, unless the garbage has been processed in accordance with specified provisions of law, and unless the person has a valid annual license issued by the Director of Food and Agriculture, except any institution or agency of the state, a county, or any municipal or other public corporation. Existing law provides that the application for a license shall be accompanied by a \$20 fee, and a \$20 penalty if the fee is not paid when due.

The bill would repeal and recast those provisions, and would instead make it unlawful for a person to feed swine food waste, as defined, unless the food waste has been processed in accordance with specified provisions and the person has obtained a license. The bill would provide that the license shall expire on July 1 of each year, and would authorize the department to collect a reasonable fee for the license and for renewal of the license. The bill would also specify that in addition to other penalties, a person who is convicted of a violation of these provisions shall not be allowed to recover compensation from the Department of Food and Agriculture for the confiscation or destruction of swine.

Existing law regulates the disposal of garbage from vessels and aircraft, as those terms are defined, and makes it unlawful for any person to dispose of garbage from any vessel, aircraft, or any other vehicle into any territorial waters, or onto land within the state, except as specified, including by immediate burning in incinerators.

This bill would repeal those provisions, and would instead make it unlawful to dispose of food waste from vessels, aircraft, or any other vehicle into any territorial waters or onto land within the state, except as specified, including immediate burning in incinerators. The bill would authorize the department to promulgate regulations necessary to effectuate the purpose of those provisions.

By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2 (commencing with Section 10901) of  
2 Part 3 of Division 5 of the Food and Agricultural Code is repealed.

3 SEC. 2. Chapter 2 (commencing with Section 10901) is added  
4 to Part 3 of Division 5 of the Food and Agricultural Code, to read:

5  
6 CHAPTER 2. SWINE FOOD WASTE FEEDING

7  
8 10901. As used in this chapter, “food waste” means any waste  
9 that consists in whole or in part of any animal waste, including  
10 fish and poultry, that results from handling, preparing, cooking,  
11 and consuming food, including the offal from an animal carcass  
12 or from any part of an animal carcass. It does not include waste  
13 from ordinary household operations that is fed directly to swine  
14 on the premises.

15 10902. It is unlawful for any person to feed food waste to swine  
16 unless the food waste has been heated, cooked, treated, or processed  
17 under a temperature, pressure, process, or method for the period

1 of time necessary to render the food waste free of any contagious,  
2 infectious, or communicable disease. This section shall not apply  
3 to an individual who feeds his or her own swine the food waste  
4 from his or her own household.

5 10903. The secretary may enter any premises where food waste  
6 is fed to swine and may examine and test any equipment or  
7 facilities for processing and handling food waste, observe and  
8 physically inspect the health status of any species on the premises,  
9 and review records and make copies of records. The secretary may  
10 in writing order any person that is subject to this chapter to cease  
11 the operation of any equipment or facility that the secretary finds  
12 is unsuitable or improperly operated or maintained.

13 10904. A person shall not feed food waste to swine without  
14 first having applied for and obtained a license from the department.  
15 The department is authorized to collect a fee for each application  
16 for a license or renewal of a license. That fee shall be in an amount  
17 to cover the reasonable costs to the department to issue or renew  
18 the license. A license shall expire on July 1 of each year.

19 10905. A licensed feeder of food waste shall keep and furnish  
20 the department with information the department requires regarding  
21 the collection, transportation, distribution, and processing of food  
22 waste.

23 10906. A licensed feeder of food waste shall keep and maintain  
24 sanitary at all times the vehicles used in the collection,  
25 transportation, and distribution of food waste.

26 10907. The department is authorized to promulgate regulations  
27 as may be necessary to effectuate the purpose of this chapter.

28 10908. A violation of this chapter is sufficient cause for the  
29 refusal to issue or renew a license, and may result in the revocation  
30 or suspension of a license. Any proceeding for the denial or  
31 revocation of a licensed pursuant to this section shall be conducted  
32 in accordance with Chapter 4.5 (commencing with Section 11445)  
33 of Part 1 of Division 3 of Title 2 of the Government Code.

34 10909. In addition to the penalties provided by this chapter,  
35 any person who is convicted of a violation of these provisions shall  
36 not be allowed to recover compensation from the department for  
37 the confiscation or destruction of any swine that are fed uncooked  
38 food waste.

39 SEC. 3. Division 8 (commencing with Section 16001) of the  
40 Food and Agricultural Code is repealed.

1 SEC. 4. Division 8 (commencing with Section 16001) is added  
2 to the Food and Agricultural Code, to read:

3  
4 DIVISION 8. VESSEL AND AIRCRAFT FOOD WASTE  
5

6 16001. It is unlawful for any person to throw, discharge,  
7 deposit, remove, or carry food waste or food stores, or cause, suffer,  
8 or procure food waste or food stores to be thrown, discharged,  
9 deposited, removed, or carried from, any vessel, aircraft, or any  
10 other vehicle into any territorial waters or land within the state,  
11 except for any of the following:

12 (a) Immediately burning in incinerators.

13 (b) Approved treatment or approved disposal under the  
14 supervision and pursuant to regulations of the secretary.

15 (c) Delivery to a food waste collector that, for the purpose of  
16 accepting food waste, is licensed by the secretary or by the federal  
17 government.

18 16002. It is unlawful for any person to retain or maintain food  
19 waste on any vessel, aircraft, or other vehicle within the state,  
20 except in tightly closed containers or receptacles and under the  
21 treatment as may be prescribed by the secretary.

22 16003. The department is authorized to promulgate regulations  
23 as may be necessary to effectuate the purpose of this division.

24 SEC. 5. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.